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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

29 OSCAR MACIAS, on behalf of himself and others) Civil Action No. CV-09-00961-JCS
30 similarly situated,)
31 Plaintiff,)
32 v.)
33 NETFLIX, INC., and WALMART.COM USA LLC,)
34 Defendants.)
35 _____)

**DECLARATION OF KATHRYN P.
HOEK IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

1 I, Kathryn P. Hoek, declare as follows:

2 1. I am a member in good standing of the California State Bar, an attorney at the law
3 firm of Susman Godfrey LLP, and counsel of record for Defendant Walmart.com USA LLC in
4 *Macias v. Netflix, Inc.*, Case No. CV-09-00961-JCS. I make this declaration based on my personal
5 knowledge, and if called to testify to the contents, I could and would competently do so.

6 2. Attached as Exhibit 1 is a chart of the cases currently on file in the United States
7 District Court for the Northern District of California, that have been deemed related to *Resnick v.*
8 *Walmart.com USA LLC*, Case No. CV-09-00200-PJH (“*Resnick*”).

9 3. Attached as Exhibit 2 is a true and correct copy of the class action complaint in
10 *Macias v. Netflix, Inc.*, CV-09-00961-JCS (“*Macias*”), filed on February 2, 2009 in the Superior
11 Court of the State of California in and for the County of Santa Clara, and removed on March 5,
12 2009 to the United States District Court for the Northern District of California.

13 4. Attached as Exhibit 3 is a true and correct copy of the class action complaint in
14 *Resnick*, filed on January 2, 2009 in the United States District Court for the Northern District of
15 California.

16 5. Pursuant to Local Civil Rule 7-11, Walmart.com proposed to counsel for *Macias* a
17 stipulation that *Macias* and *Resnick* are related pursuant to Local Civil Rule 3-12. Plaintiff's
18 counsel would not agree.

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20 Dated: March 12, 2009

Respectfully submitted,

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SUSMAN GODFREY L.L.P.

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23 By: /s/ Kathryn P. Hoek

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*Attorneys for Defendant Walmart.com USA
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